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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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09/750,104

12/29/2000

Samuel N. Zellner

BS00-027

6281

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7590

04/28/2006

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EXAMINER

SHERKAT, AREZOO

ART UNIT

PAPER NUMBER

2131

DATE MAILED: 04/28/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No. 09/750,104	Applicant(s) ZELLNER ET AL.	
	Examiner Arezoo Sherkat	Art Unit 2131	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 15 February 2006.
- 2a) ☒ This action is FINAL. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 31-42, 44 and 45 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 31-42, 44 and 45 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
 Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
 Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date <u>9/12/05</u> . | 6) <input type="checkbox"/> Other: _____ |

Response to Amendment

1. This office action is responsive to Applicant's amendment received on 2/15/2006. Claims 31, 36, and 41 have been amended. Claims 31-42, 44, and 45 are pending.

Response to Arguments

2. Applicant's arguments filed 2/15/2006 have been fully considered but they are not persuasive.

Applicant argues that Amini fails to teach establishing a communication session over a public network including at least one of public switched telephone network or a wireless communication link (Remarks, page 6).

Examiner responds that Amini discloses that communication between client workstation 322 and off-site server 332 is operative over public Internet (col. 5, lines 1-53).

Applicant argues that Vaio does not teach or suggest VOIP (Remarks, page 7).

Examiner responds that Vaio discloses, "When the motion sensor detects an obstruction the camera starts recording and the local computer system notifies a remote individual of the alarm via a communications device, such as a beeper, telephone, or e-mail" (Abstract). Vaio further discloses sending voice data in packets using IP (col. 8, lines 59-67 and col. 9, lines 1-10).

3. Examiner respectfully maintains the 35 U.S.C. 102(e) and the 35 U.S.C. 103(a) rejections communicated on Nov. 7, 2005 as follows:

Claim Rejections - 35 USC § 102

4. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in a patent granted on an application for patent by another filed in the United States before the invention thereof by the applicant for patent, or on an international application by another who has fulfilled the requirements of paragraphs (1), (2), and (4) of section 371(c) of this title before the invention thereof by the applicant for patent.

The changes made to 35 U.S.C. 102(e) by the American Inventors Protection Act of 1999 (AIPA) and the Intellectual Property and High Technology Technical Amendments Act of 2002 do not apply when the reference is a U.S. patent resulting directly or indirectly from an international application filed before November 29, 2000. Therefore, the prior art date of the reference is determined under 35 U.S.C. 102(e) prior to the amendment by the AIPA (pre-AIPA 35 U.S.C. 102(e)).

Claims 31-42 and 44 are rejected under 35 U.S.C. 102(e) as being anticipated by Amini et al., (U.S. Patent No. 6,698,021 and Amini hereinafter).

Regarding claim 31, Amini discloses a system for enabling an outside entity to control device: at a location, the system comprising:

- (a) an internal computer system associated with the location (Col. 5, lines 39-53);
- (b) a sensing apparatus associated with the internal computer system, wherein the sensing apparatus can detect a triggering event at the location (Col. 9, lines 35-65);

(c) a firewall in communication with the internal computer system, wherein the firewall is adapted to verify identity information associated with the outside entity (Col. 4, lines 55-67 and Col. 5, lines 1-25, and Col. 6, lines 13-33), and

(d) a device associated with the internal computer system , wherein the device can be controlled by the outside entity via the internal computer system (Col. 5, lines 30-60), wherein when the sensing apparatus detects the triggering event the internal computer system establishes a communication session with the outside entity via public communications network, in direct communication with the location, the public communications network including at least one of a public switched telephone network and a wireless communication link (i.e., communication between client workstation 322 and off-site server 332 is operative over public Internet 350)(Col. 8, lines 59-67 and Col. 9, lines 1-35),

wherein the outside entity provides identity information to the internal computer system, wherein the firewall creates a secured tunnel for the outside entity to access the internal computer system (i.e., private network 340 is a private backbone network that may be controlled by the service provider that controls the operation of off-site storage site 330), wherein the outside entity uses the information retrieved from a database to control the device during the communication session (Col. 7, lines 5-67 and Col. 8, lines 1-20), and

wherein only the outside entity can terminate the communication session (Col. 9, lines 1-35).

Regarding claims 32 and 37, Amini discloses wherein the identity information comprises a password (Col. 6, lines 12-34).

Regarding claims 33, 38, 40, and 42, Amini discloses wherein the identity information comprises a digital certificate (Col. 6, lines 12-34).

Regarding claims 34, 39, and 44, Amini discloses wherein the digital certificate is authenticated by a certificate authority (Col. 6, lines 12-34).

Regarding claim 35, Amini discloses wherein the external computer network (i.e., publica network) is the Internet (Col. 6, lines 12-34).

Regarding claim 36, Amini discloses a method for encabling an outside entity to control devices at a location, the method comprising the steps of:

a) associating at least one device with an internal computer system at the location (Col. 5, lines 39-53);

b) reporting a triggering event associated with the location to the outside entity via public communications network, in direct communication with the location, the public communications network including at least one of a public switched telephone network and a wireless communication link (i.e., communication between client workstation 322 and off-site server 332 is operative over public Internet 350)(Col. 8, lines 59-67 and Col. 9, lines 1-65);

c) initiating a communication session between the internal computer system and the outside entity through a secure tunnel over an external computer network wherein the communication session is initiated by the internal computer network (Col. 6, lines 12-34);

d) verifying identity information provided by the outside entity (Col. 6, lines 12-34);
and

e) allowing the outside entity to control the device during the communication session (Col. 15, lines 30-67 and Col. 16, lines 1-67), wherein only the outside entity can terminate the communication session (Col. 9, lines 1-35).

Regarding claim 41, Amini discloses a method for enabling an outside entity to handle a situation at a location, the method comprising the steps of:

a) associating at least one device with an internal computer system at the location (Col. 5, lines 39-53);

b) reporting a triggering event associated with the situation at the location to the outside entity via public communications network, in direct communication with the location, the public communications network including at least one of a public switched telephone network and a wireless communication link (i.e., communication between client workstation 322 and off-site server 332 is operative over public Internet 350)(Col. 8, lines 59-67 and Col. 9, lines 1-65);

c) initiating a communication session between the internal computer system and the outside entity through an external computer network (Col. 6, lines 12-34);

d) providing a first identity information associated with the internal computer system to the outside entity, e) and providing a second identity information associated with the outside entity to the internal computer system, f) authenticating both the first identity information and the second identity information, (g) establishing a secure tunnel through a firewall associated with the internal computer system if both the first identity information and the second identity information are authenticated (i.e., private network 340 is a private backbone network that may be controlled by the service provider that controls the operation of off-site storage site 330)(Col. 6, lines 12-34); and

h) allowing the outside entity to control the device during the communication session (Col. 15, lines 30-67 and Col. 16, lines 1-67), wherein only the outside entity can terminate the communication session (Col. 9, lines 1-35).

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claim 45 is rejected under 35 U.S.C. 103(a) as being unpatentable over Amini et al., (U.S. Patent No. 6,698,021 and Amini hereinafter), in view of Vaio, (U.S. Patent No. 6,271,752).

Regarding claim 45, Amini does not expressly disclose wherein the triggering event is a call from a voice-over-Internet-protocol (VOIP) device.

However, Vaios discloses wherein the triggering event is a call from a voice-over-Internet-protocol (VOIP) device (Col. 8, lines 1-65 and Col. 9, lines 1-64).

Therefore, it would have been obvious to a person of ordinary skill in the art at the time of applicant's invention to modify teachings of Amini with teachings of Vaios because it would allow to include wherein a person may be called to control video camera stationed at the remote called party's location as disclosed by Vaios. This modification would have been obvious because one of ordinary skill in the art would have been motivated by the suggestion of Vaios to provide surveillance access when needed, rather than monitoring the area full time (Vaios, Col. 1, lines 60-67).

Conclusion

THIS ACTION IS MADE FINAL. Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of

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the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Arezoo Sherkat whose telephone number is (571) 272-3796. The examiner can normally be reached on 8:00-4:30 Monday-Friday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Ayaz Sheikh can be reached on (571) 272-3795. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

A.S.



Patent Examiner
Group 2131
April 25, 2006

CHRISTOPHER REVAK
PRIMARY EXAMINER

